

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEANNETTE DENISE MOORE,

Plaintiff,

Case No. 18-10071

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 11)
AND
DISMISSING CASE WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE
AND
DISMISSING AS MOOT REPORT AND RECOMMENDATION: RE CONTEMPT
(ECF No. 12)

I.

This is a Social Security case. Plaintiff Jeannette Denise Moore, through counsel, appeals from the final determination of the Commissioner of Social Security (Commissioner) that she is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. The magistrate judge issued a scheduling order requiring plaintiff's counsel to file a motion for summary judgment. Plaintiff's counsel did not file a motion and did not respond to an order to show cause regarding the failure to file a motion. Accordingly, the magistrate judge issued a report and recommendation (MJRR), recommending that the case be dismissed for failure to prosecute. (ECF No. 11). The magistrate judge also issued a second MJRR, recommending contempt or disciplinary proceedings be

initiated against plaintiff's counsel based upon counsel's inaction in this and other Social Security cases.

II.

Neither party has objected to either MJRR and the time for doing so has passed. Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRRs. The Court agrees with the magistrate judge that the case should be dismissed for failure to prosecute. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. This case is DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b).

In light of this determination, the MJRR regarding contempt is DISMISSED AS MOOT.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 10/8/2019
Detroit, Michigan